



#4

DECLARATION FOR PATENT APPLICATION

As the below-named inventors, we hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **CHIMERIC PROSTATE-HOMING PEPTIDES WITH PRO-APOPTOTIC ACTIVITY**, the specification of which was filed on **January 17, 2001**, as Application Serial No. **09/765,086** (Attorney Docket No. **P-LJ 4575**).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to myself to be material to patentability as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

Under Sec. 1.56, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or (2) It refutes, or is inconsistent with, a position the applicant takes in: (a) Opposing an argument of unpatentability relied on by the U.S. Patent and Trademark Office, or (b) Asserting an argument of patentability.

Inventors: Ruoslahti et al.
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Filed: January 17, 2001
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I hereby claim the benefit under Title 35, United States Code, § 119(e) of the United States provisional application(s) listed below, which was converted to a provisional application by Petition under 37 C.F.R. Sec. 1.53(c)(2)(i), and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 that became available between the filing date of the prior application(s) listed below and the filing date of this non-provisional application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
Not Yet Assigned (formerly U.S. Serial No. 09/489,582)	January 21, 2000	Expired/Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventors: Ruoslahti et al.
Serial No.: 09/765,086
Filed: January 17, 2001
Page 3 of 4

Full name of first inventor:

Erkki I. Ruoslahti

Inventor's signature:



Date:

3-1-01

Residence:

Rancho Santa Fe, CA USA

Citizenship:

United States of America

Post Office Address:

P.O. Box 1054
Rancho Santa Fe, CA 92067

Full name of second inventor:

Renata Pasqualini

Inventor's signature:

Date:

Residence:

Houston, TX USA

Citizenship:

Brazil

Post Office Address:

7171 Buffalo Speedway, #328
Houston, TX 77025 USA

Full name of Third Inventor:

Wadih Arap

Inventor's signature:

Date:

Residence:

Houston, TX USA

Citizenship:

Brazil

Post Office Address:

7171 Buffalo Speedway, #328
Houston, TX 77025 USA

Inventors: Ruoslahti et al.
Serial No.: 09/765,086
Filed: January 17, 2001
Page 3 of 4

Full name of first inventor:

Erkki I. Ruoslahti

Inventor's signature:

Date:

Residence:

Rancho Santa Fe, CA USA

Citizenship:

United States of America

Post Office Address:

P.O. Box 1054

Rancho Santa Fe, CA 92067

Full name of second inventor:

Renata Pasqualini

Inventor's signature:

Date:

2/22/2001

Residence:

Houston, TX USA

Citizenship:

Brazil

Post Office Address:

7171 Buffalo Speedway, #328

Houston, TX 77025 USA

Full name of Third Inventor:

Wadih Arap

Inventor's signature:

Date:

2/22/2001

Residence:

Houston, TX USA

Citizenship:

Brazil

Post Office Address:

7171 Buffalo Speedway, #328

Houston, TX 77025 USA

Inventors: Ruoslahti et al.
Serial No.: 09/765,086
Filed: January 17, 2001
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Full name of Fourth Inventor:

Inventor's signature:

Date:

Residence:

Citizenship:

Post Office Address:

Dale E. Bredesen

Dale E. Bredesen

5/22/01

Novato, CA USA

United States of America

19 Racoon Drive, #1C

Novato, CA 94949 USA

Full name of Fifth Inventor:

Inventor's signature:

Date:

Residence:

Citizenship:

Post Office Address:

H. Michael Ellerby

H. Michael Ellerby

5/22/01

Novato, CA USA

United States of America

6 Meyers Court

Novato, CA 94947 USA

Docket No.: P-LJ 4575

Applicants: Ruoslahti et al.

Serial No.: 09/765,086

Filed: January 17, 2001

For: CHIMERIC PROSTATE-HOMING PEPTIDES WITH
PRO-APOPTOTIC ACTIVITY



**VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS (37 CFR 1.9(F) AND 1.27(C))**

SMALL BUSINESS CONCERN

I hereby declare that I am

☐ the owner of the small business concern identified
below:

☒ an official of the small business concern empowered to
act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: **TARGETED MOLECULES, CORP.**
ADDRESS OF SMALL BUSINESS CONCERN: 6605 Nancy Ridge
San Diego, CA 92121 USA

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to

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control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled CHIMERIC PROSTATE-HOMING PEPTIDES WITH PRO-APOPTOTIC ACTIVITY by inventors Erkki I. Ruoslahti, Renata Pasqualini, Wadih Arap, Dale E. Bredesen and H. Michael Ellerby as described in

[x] application serial no. **09/765,086**, filed **January 17, 2001**.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: THE BURNHAM INSTITUTE
ADDRESS: 10901 N. Torrey Pines Road
La Jolla, California 92037 USA

[x] NONPROFIT ORGANIZATION

Inventors: Ruoslahti et al.
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I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Elias Lazarides, Ph.D.
TITLE IN ORGANIZATION: President and CEO
ADDRESS OF PERSON SIGNING: 6605 Nancy Ridge
San Diego, CA 92121 USA

SIGNATURE:

Elias Lazarides

DATE:

FEB 20, 2001

Docket No.: P-LJ 4575
Applicants: Ruoslahti et al.
Serial No.: 09/765,086
Filed: January 17, 2001
For: CHIMERIC PROSTATE-HOMING PEPTIDES WITH
PRO-APOPTOTIC ACTIVITY

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(d)) NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION: **THE BURNHAM INSTITUTE**
ADDRESS OF NONPROFIT ORGANIZATION: 10901 N. Torrey Pines Road
La Jolla, CA 92037 USA

TYPE OF NONPROFIT ORGANIZATION:

- ☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
- ☒ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3))
- ☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)
- ☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA
- ☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. §1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention

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entitled CHIMERIC PROSTATE-HOMING PEPTIDES WITH PRO-APOPTOTIC ACTIVITY by inventors Erkki I. Ruoslahti, Renata Pasqualini, Wadih Arap, Dale E. Bredesen, and H. Michael Ellerby described in:

[x] application serial no. **09/765,086**, filed **January 17, 2001**.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above-identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any persons, other than the inventors, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: TARGETED MOLECULES, CORP.
ADDRESS: 6605 Nancy Ridge
San Diego, CA 92121 USA

[x] SMALL BUSINESS CONCERN

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

Inventors: Ruoslahti et al.
Serial No.: 09/765,086
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Cheryl A. Moore

Title in Organization: Vice President and
Chief Administrative Officer

Address of Person Signing: 10901 N. Torrey Pines Road
La Jolla, California 92037 USA

Signature: 

Date: Feb. 16, 2001



POWER OF ATTORNEY FOR PATENT APPLICATION BY ASSIGNEE

Assignee THE BURNHAM INSTITUTE is the owner of the entire right, title and interest of U.S. patent application Serial No. 09/765,086, filed on January 17, 2001, as attorney docket number P-LJ 4575, and entitled CHIMERIC PROSTATE-HOMING PEPTIDES WITH PRO-APOPTOTIC ACTIVITY and any subsequently filed divisional, continuation, continuation-in-part or reissue application, including international and foreign applications claiming priority thereto.

The Assignee hereby appoints the following attorneys to prosecute these applications and to transact all related business in the United States Patent and Trademark Office and any international and foreign patent offices:


CATHRYN CAMPBELL, Registration No. 31,815; DAVID A. GAY, Registration No. 39,200; CALVIN A. FAN, Registration No. 38,444; ROBERT T. RAMOS, Registration No. 37,915; ANDREA L. GASHLER, Registration No. 41,029; JAMES J. WONG, Registration No. 34,949; DEBORAH L. CADENA, Registration No. 44,048; and MELANIE K. WEBSTER, Registration No. 45,201.

Please direct all telephone calls to Cathryn Campbell at (858) 535-9001 and address all correspondence to:

CATHRYN CAMPBELL
CAMPBELL & FLORES LLP
4370 La Jolla Village Drive
Suite 700
San Diego, California 92122

Inventors: Ruoslahti et al.
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The undersigned is authorized to sign on behalf of the
Assignee.

Signature: 
Name (typed): Cheryl A. Moore
Title: V.P./Chief Administrative Officer
Assignee: THE BURNHAM INSTITUTE
Date: Feb. 16, 2001



STATEMENT UNDER 37 C.F.R. § 3.73(b)

Title of Application: CHIMERIC PROSTATE-HOMING PEPTIDES WITH
PRO-APOPTOTIC ACTIVITY

Application Ser. No.: 09/765,086

Filed: January 17, 2001

Inventors: Ruoslahti et al.

Attorney Docket No.: P-LJ 4575

THE BURNHAM INSTITUTE, a non-profit business, states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the application. A copy of the executed assignment, submitted for recording, is attached hereto as documentary evidence of the chain of title to the assignee.

The undersigned is empowered to sign this statement on behalf of the assignee.

THE BURNHAM INSTITUTE

Date: Feb. 16, 2001

Signature: 

Name: Cheryl A. Moore

Title: V.P./Chief Administrative Officer

COPY
JOINT

ASSIGNMENT

This Assignment is made by **Erkki I. Ruoslahti** of Rancho Santa Fe, California; **Renata Pasqualini** of Houston, Texas; **Wadih Arap** of Houston, Texas; **Dale E. Bredesen** of Novato, California; and **H. Michael Ellerby** of Novato, California, Assignors, to **THE BURNHAM INSTITUTE**, Assignee, having a place of business at 10901 North Torrey Pines Road, La Jolla, California, 90237, USA.

WHEREAS, Assignors have invented a new and useful **CHIMERIC PROSTATE-HOMING PEPTIDES WITH PRO-APOPTOTIC ACTIVITY** for which an application for United States Letters Patent was filed on **January 17, 2001**, in the United States Patent and Trademark Office, bearing Serial No. **09/765,086**, and identified as Attorney Docket No: **P-LJ 4575**;

WHEREAS, Assignors believe themselves to be the original inventors of the invention disclosed and claimed in said application for Letters Patent; and

WHEREAS, the parties desire to have a recordable instrument assigning the entire right, title and interest in and to said invention, said application and any Letters Patent that may be granted for said invention in the United States and throughout the world;

NOW, THEREFORE, in accordance with the obligations to assign the invention and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignors sell, assign, and transfer to Assignee, the entire right, title, and interest in and to said invention, said application and any Letters Patent that may be granted for said

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invention in the United States and throughout the world, including the right to file foreign applications directly in the name of the Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties, or otherwise.

Assignors agree that, upon request and without further compensation, but at no expense to Assignors, they and their legal representatives and assigns will do all lawful acts, including the execution of papers and the giving of testimony, that may be necessary or desirable for obtaining, sustaining, reissuing, or enforcing Letters Patent in the United States and throughout the world for said invention, and for perfecting, recording, or maintaining the title of Assignee, its successors and assigns, to said invention, said application, and any Letters Patent granted for said invention in the United States and throughout the world.

Assignors represent and warrant that they have not granted and will not grant to others any rights inconsistent with the rights granted herein.

Assignors authorize and request the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for said invention, whether on said application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in said invention.

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IN WITNESS WHEREOF, Assignors have executed this
Assignment on the date(s) provided below.

Assignor: Erkki I. Ruoslahti

Signature

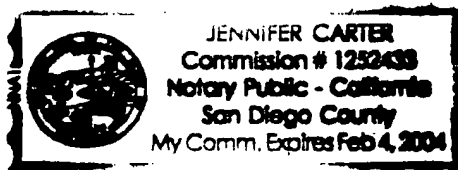
Date

STATE OF California
COUNTY OF San Diego

On March 1, 2001, before me, Jennifer Carter
personally appeared Erkki Ruoslahti,
~~personally known to me - OR -~~ X proved to me on the basis
of satisfactory evidence to be the person(~~s~~) whose name(~~s~~) is/are
subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized
capacity(~~ies~~), and that by his/her/their signature(~~s~~) on the
instrument the person(~~s~~), or the entity upon behalf of which the
person(~~s~~) acted, executed the instrument.

WITNESS by hand and official seal.

Jennifer Carter
(Signature of Notary)



Inventors: Ruoslahti et al.
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Filed: January 17, 2001
Page 4

Assignor: Renata Pasqualini

Signature

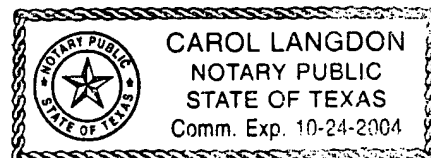
Date

STATE OF Texas)
COUNTY OF Harris)

On May 25, 2001, before me, Carol Langdon
personally appeared Renata Pasqualini,
personally known to me - OR - ☒ proved to me on the basis
of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Carol Langdon
(Signature of Notary)



Assignor: Wadih Arap

Signature

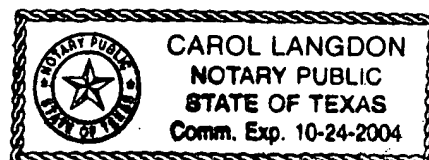
Date

STATE OF Texas)
COUNTY OF Harris)

On May 25, 2001, before me, Carol Langdon
personally appeared Wadih Arap,
personally known to me - OR - ☒ proved to me on the basis
of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

WITNESS by hand and official seal.

Carol Langdon
(Signature of Notary)



Inventors: Ruoslahti et al.
Serial No.: 09/765,086
Filed: January 17, 2001
Page 5

Assignor: Dale E. Bredesen

Dale E. Bredesen

Signature

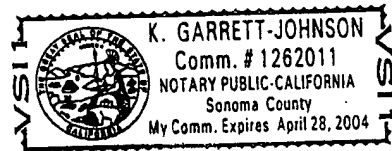
5/22/01
Date

STATE OF California)
COUNTY OF Marin)

On May 22, 2001, before me, K. Garrett-Johnson
personally appeared Dale E. Bredesen & Howard M. Ellerby,
_____ personally known to me - OR - ☒ proved to me on the basis
of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

WITNESS by hand and official seal.

K. Garrett-Johnson
(Signature of Notary)



Assignor: H. Michael Ellerby

H. Michael Ellerby

Signature

5/22/01
Date

STATE OF California)
COUNTY OF Marin)

On May 22, 2001, before me, K. Garrett-Johnson
personally appeared Dale E. Bredesen & Howard M. Ellerby,
_____ personally known to me - OR - ☒ proved to me on the basis
of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that
he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

WITNESS by hand and official seal.

K. Garrett-Johnson
(Signature of Notary)

